

### **REMARKS/ARGUMENTS**

This application has been carefully reviewed in light of the Office Action mailed on June 7, 2005. In this Office Action, various objections were made to the drawings and specification. Moreover, all of the pending claims were rejected under 35 USC §103, as being unpatentable over various combinations of references. In response, Applicant has amended the Specification, and also amended independent claims 1, 14 and 15. Reexamination and reconsideration of the application, as amended, is respectfully requested.

### **TIME EXTENSION REQUEST**

Applicant submits herewith a one-month time extension request, and pertinent fee.

### **SPECIFICATION AND DRAWING OBJECTIONS**

The Examiner noted in the above-identified Office Action, that the present application appeared to be subject to claim subject matter disclosed in prior Application No. PCT/TB00/00941. Per the suggestion of the Examiner, which is appreciated, Applicant has added a Related Application section identifying the claimed priority to the PCT Application. If additional steps are necessary in order to claim priority to this application, Applicant would appreciate being made aware of these steps.

The specification was objected to as not containing the preferred layout for a United States utility application. As noted above in the amendments to the Specification, the appropriate section headers have been added, as needed. Moreover, the Abstract of the Disclosure has been amended to conform to USPTO practice.

The drawings were objected to for failing to mention the reference sign in the description "33.1", as seen in Fig. 4. Actually, in Fig. 4, the reference number 33.1 was included. However, it was inadvertently left out of the Specification. Accordingly, on page 9, paragraph 0047, this has been added after "height". Applicant believes that this overcomes the objection, and that a substitute drawing sheet is not required.

Applicant has further modified the Specification slightly so as to correct certain errors and provide consistency. For example, the "outer frame component 12" on page 5, paragraph 0038, has been changed to "outer panel 12". Additionally, on page 9, paragraph 0047, the "decorative portion 18" has been amended to "decorative portion 28". Finally, on page 10, paragraph 0048, the "outer frame component 12" has been amended to "outer frame 20". However, no new matter has been added.

For the benefit of the Examiner, Applicant has submitted a "clean" substitute copy of the Specification, including a substitute page for the Abstract of the Disclosure. In light of these amendments, Applicant believes that the Specification and Drawing objections have been overcome.

#### CLAIM REJECTIONS

In the above-identified Office Action, claims 1, 3, 5-9, and 11-15 were rejected under 35 USC §103(a) as being unpatentable over Sielle (British Patent 912,704) in view of Stottum (U.S. Patent No. 907,648). Moreover, claims 1, 4, 8, 9, 11, 12, 13, and 15 were rejected as being unpatentable over Sielle in view of Widigs (U.S. Patent No. 3,507,066). Furthermore, claim 2 was rejected as being unpatentable over this combination and further in view of Carraine (U.S. Patent No. 589,695); and claim 16 was rejected over the combination of Sielle and Widigs and further in view of Cornfield (U.S. Patent No. 3,218,747).

As regards Sielle (British Patent 912704), the Examiner equates its angle bar shaped metal strip 29 (see Figure 2 of Sielle) with the inner frame component claimed in Claims 1, 14 and 15. However, as also pointed out in the previous response, the angle bar shaped metal strip 29 in Figure 2 of Sielle is clearly not seated within an aperture defined by the member 24 of Sielle. In contrast, the metal strip 29 in Sielle can only be used above the member 24 as is borne out by the fact that the metal strip 29 is bonded to a body strip 28 of wood, and is provided with holes for pins 30 for securing the inner baguette thus formed to the stretcher 31.

Still further, the angle bar shaped metal strip 29 of Sielle is clearly a structural component that assists in providing rigidity to the entire picture frame made up of the outer and inner baguettes. This is borne out by the fact that the strip 29 is bonded to the wooden strip 28 with the entire assembly secured to the stretcher 31 by means of pins 30. In contrast, in the device of amended independent Claims 1, 14 and 15, the inner frame component is purely a decorative non-rigidity providing item whose functions are as follows (see also page 10 lines 1 to 14):

A decorative function to enhance the aesthetic appeal of the frame; and

A concealment function since it conceals the peripheral border or edge defining the opening 18.

There are significant advantages associated with these functions, as set out on page 10 lines 1 to 14. Claims 1, 14 and 15 as amended clearly specify that the inner frame component is a decorative one, and does not provide rigidity to the device or frame.

Additionally, as regards Claim 15 as amended, it now contains the feature that the inner frame component is dropped into position in the aperture in the outer panel. This has clear advantages in the manufacture of the device or frame as set out on page 11 lines 3 to 18. Clearly such dropping in cannot be effected with the metal strip 29 of Sielle, eg due to its bonding to

the wooden strip 28, and the attachment to the stretcher 31 by means of the pins 30.

Turning now to Stottum (US 907648), this reference does not cure the deficiencies of Sielle as regards either the purely decorative function performed by the inner frame component or the dropping thereof into position, as discussed above in respect of amended Claims 1, 14 and 15. Thus, as regards Stottum, it has an inner frame 1 which is made up of four strips 3 formed of sheet metal, and connected at the corners by soldering. Each strip 3 comprises a rectangular head or beading 4 forming the frame proper, and vertical flanges 5 formed by the parallel edges of the strip. Shoulders 6 and 7 are defined between the head 4 and the vertical flanges 5. The inner frame 1 is secured to the outer frame 2 (page 1 line 7) by means of ornamental plates 18, with the ornamental plates being secured by soldering to the shoulders of the outer frame and to the shoulder 7 of the inner frame (page 2 line 1). Thus, it is clear that the inner frame 1 assists in providing rigidity to the device of Stottum and does not fulfill a purely decorative function. Furthermore, the inner frame 1 of Stottum is clearly not dropped into position in the outer panel during construction of the device of Stottum. In Stottum, the device is made up by resting the central mirror 8 on the shoulder 6 of the inner panel (page 1 lines 88/89) whereafter the outer frame is secured to the inner frame as discussed above. In other words, a person skilled in the art would not find any guidance in Stottum to solve the deficiencies of Sielle, namely providing an inner frame component that fulfills purely a decorative function and which is dropped into position in the outer panel during the construction of the frame or device.

The same arguments in essence apply in respect of the rejection of the claims on the basis of obviousness in the light of Sielle when read with Widigs (US 3507066). The same comments as have been made above in respect of Sielle, apply. Turning then to Widigs, it is clear that the inner frame which is in the form of a framework moulding (column 2 line 15) contributes to the structural rigidity of the frame since the intermediate sheet 3 (outer panel) which extends between the outer frame 2 and the inner frame 1 is held in recesses in the inner and outer frames so that the inner frame 1 thus clearly

contributes to the entire structural rigidity of the frame. This is further emphasized when regard is had to the corner blocks 4 of Widigs which clearly cooperate with both the inner and outer frames and thus contribute to the structural rigidity of the resultant picture frame – see column 1 lines 21 to 30.

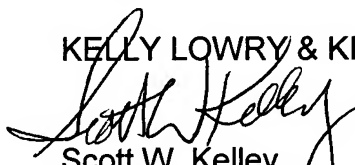
As regards Claims 2 to 13 which depend from Claim 1, it is respectfully submitted that since they depend from a base claim (Claim 1) which has been shown to be clearly non-obvious over the prior art relied on by the Examiner, these claims too are thus non-obvious. For example, Claim 2, which the Examiner has rejected under 35 USC 103(a) as being unpatentable over (i) Sielle in view of Widigs and further in view of Carraine (US 589695), and (ii) Sielle in view of Stottum and further in view of Carraine (US 589695), is patentable since it depends from Claim 1 which is clearly non-obvious. The same applies in respect of Claim 16 where the Examiner has relied on Cornfield (US 3218747) when read with Sielle plus Widigs or Stottum.

#### CONCLUSION

In light of the foregoing amendments and remarks, Applicant respectfully asserts that the pending application, including claims 1-9 and 11-16, is in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP



Scott W. Kelley  
Registration No. 30,762

SWK:nn  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367  
(818) 347-7900